

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 142 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO
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STATE OF GUJARAT

Versus

RAJESH J BHAVSAR

Appearance:

MR SR DIVETIA APP for Petitioner-State
MR DM AHUJA for Respondent No. 1, 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 17/06/98

ORAL JUDGEMENT

This revision application is preferred by the State against an order dated 16th February, 1998 of the learned Chief Metropolitan Magistrate, Ahmedabad refusing remand of the respondents.

2. An offence under Sections 409, 406, 465, 468, 470, 511 and 34 of the Indian Penal Code has been registered against the three respondents at the CID Crime, Gandhinagar Zone Police Station on a complaint lodged on 5th February, 1998. The respondents are officers of Ahmedabad Municipal Corporation. On 16th February, 1998, the State preferred an application before the learned Magistrate for remand of the said accuseds on the ground that - (a) their hand writings were required to be compared; (b) the co-accused a contractor was absconding, (c) spot inspection of underground water reservoir was required to be made; (d) the accused were required to be subjected to lie-detection test; (e) the accused being highly placed officers of Corporation, they may tamper with the records. By the impugned order made on 16th February, 1998, the application made by the State was rejected.

3. In my view, the learned Chief Metropolitan Magistrate is right in rejecting the application preferred by the State. I do not think for investigation of any of the above referred facts, presence of the accused persons in the police custody is necessary. The accused can be called at any time for giving their hand writings or for interrogation or for lie-detection test. For none of these enquiries, remand is called for. I, therefore, do not find any merit in this revision application preferred by the State. Revision Application is, therefore, dismissed. Rule is discharged.

Prakash*